



This Recommended Order and Decision became the Order and Decision of the
Illinois Human Rights Commission on 9/22/04.

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:)	
)	
WILLIE B. THOMAS, JR.,)	
)	
)	
Complainant,)	
)	Charge No.: 2001CE3089
and)	EEOC No.: 210A13814
)	ALS No.: 11942
CITY OF CHICAGO)	
DEPARTMENT OF STREETS AND)	
SANITATION,)	
Respondent.)	

RECOMMENDED ORDER AND DECISION

On November 15, 2002, the Illinois Department of Human Rights filed a complaint on behalf of Complainant, Willie B. Thomas, Jr. That complaint alleged that Respondent, City of Chicago Department of Streets and Sanitation, discriminated against Complainant on the basis of his race when it suspended him.

This matter now comes on to be heard on Respondent's Motion to Dismiss for Want of Prosecution. Although the motion was mailed to Complainant's last known address, he failed to file any written response or to appear at the hearing on the motion. The matter is ready for decision.

FINDINGS OF FACT

The following facts were derived from the record file in this matter.

1. On January 7, 2003, Respondent presented its motion to continue the public hearing date in this matter. Although he was served with notice of that motion, Complainant did not appear.

2. The order entered on January 7 set a status date of January 23, 2003. Although he was mailed a copy of the January 7 order, Complainant did not appear at the January 23 status hearing. Because Complainant did not appear, Respondent was given leave to file a motion to dismiss. A copy of the January 23 order was mailed to Complainant.

3. Respondent filed a motion to dismiss and served that motion on Complainant. The motion was set for hearing on February 20, 2003. Complainant did not appear for the hearing.

4. Because Respondent's motion to dismiss was not served upon the Illinois Department of Human Rights, the motion was entered and continued for hearing to March 20, 2003. Complainant was mailed a copy of the order rescheduling that hearing.

5. Complainant did not appear on March 20, 2003 for the hearing on Respondent's motion to dismiss.

6. Complainant has not filed any written response to Respondent's motion to dismiss.

CONCLUSIONS OF LAW

1. Complainant's failure to appear for scheduled status hearings and for hearings on motions has unreasonably delayed the proceedings in this matter.

2. In light of Complainant's apparent abandonment of his

claim in this matter, it is appropriate to dismiss this case with prejudice.

DISCUSSION

Complainant has taken absolutely no action to prosecute this matter since it was filed. Without explanation, he has missed four consecutive scheduled appearances. Even a written motion to dismiss has failed to stir him to action. His inaction has unreasonably delayed the proceedings in this matter.

For reasons unknown, it appears that Complainant has simply abandoned his claim. As a result, it is appropriate to dismiss his claim with prejudice. See ***Leonard and Solid Matter, Inc.***, ___ Ill. HRC Rep. ___, (1989CN3091, August 25, 1992).

RECOMMENDATION

Based upon the foregoing, Complainant's inaction has unreasonably delayed the proceedings in this matter. It appears that he has abandoned his claim. Accordingly, it is recommended that the complaint in this matter be dismissed in its entirety, with prejudice.

HUMAN RIGHTS COMMISSION

BY: _____
MICHAEL J. EVANS
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

ENTERED: April 4, 2003